Hearing Decision Due In Indian Vote Case

By PAT MUNROE
Deseret News Washington Bureau

WASHINGTON — The U.S. Supreme Court may announce this week whether it will consider a case involving the right of Utah Indians who live on reservations to vote.

Attorneys for Preston Allen, a member of the Ute Indian tribe from Altonah, Duchesne County, Monday filed a statement before the court asking that the case be considered before the Nov. 6 election.

The decision before the court now is first whether to hear the case at all, and then whether to hear it before the election.

Banned By Old Law

Allen's attorneys are appealing a decision of the Utah Supreme Court given on Sept. 21, 1956, which held that all people living on Indian reservations could not vote by absentee ballot because of Paragraph 11, Section 20-2-14, Utah code annotated, 1953, which was originally enacted in 1897.

This law reads:

"Any person living upon any Indian or military reservation shall not be deemed a resident of Utah within the meaning of this chapter (elections, registrations) unless such person had acquired a residence in some county in Utah prior to taking up his residence upon such Indian or military reservation."

Held In Violation

Attorneys for Allen contend that this statute is in violation of the 14th and 15th amendments to the Constitution, which stipulate that no state shall make a law to abridge the privileges or immunities of U.S. citizens, nor to deny the right to vote on the grounds of race or color.

Allen is a registered voter in Duchesne County and voted as such in the general election of 1954.

On March 23, 1956, the attorney general of Utah, E. R. Callister, reversed prior rulings of former Utah attorney generals on this subject and held that Indians who live on reservations were not entitled to vote in Utah.

This ruling was based on the passage of Utah law quoted previously.

Denied Ballot

On Sept. 8, 1956, Allen asked the county clerk of Duchesne County for an absentee ballot for the primary election and was denied the ballot on the basis of the attorney general's ruling.

Subsequently the case went to the Supreme Court of Utah. It supported the attorney general's ruling saying:

"The right to vote, though fundamental to our scheme of government, is not absolute. It derives from the state, which has the inherent power to prescribe the qualifications of voters, and to impose reasonable conditions prerequisite to the exercise of such franchise. . . .

"It is the responsibility of the court to be extremely reluctant to interfere with enactments of the Legislature. All doubts should be resolved in favor of validity and no such act should be declared unconstitutional unless it is clearly and palpably so. . . .

Utah Asks Action

"We do not see any basis for concluding that the act is so clearly beyond the powers of the Legislature and in conflict with the constitutional provisions above referred to that it should be stricken down."

The Utah attorney general, E. R. Callister, has also asked the court to consider the case at this time, and give a final ruling on the matter.

Attorneys for Allen are Robert W. Barker of Washington, and John S. Boyden of Utah, counsel of the Ute Indian tribe.

Davis Students Move Into New Bountiful School

BOUNTIFUL — Some 875 students shared the confusion of moving into the new $397,400 addition to South Davis Junior High School here Monday.

Students, teachers and administrators moved into the spacious new annex while workmen added finishing touches and hooked up power lines.

"It's like the first day of school all over again," one teacher said. "Only this time we have all the students here at the same time."

South Davis Junior High school is the first of four schools operating under double sessions in Davis School District to return to normal schedule.

Of the others, Wasatch School in Clearfield is expected to return to the regular sessions Nov. 15; D. R. Tolman School in Bountiful, Jan. 1; West Bountiful School, February and South Bountiful School, Woods Cross, in March.

South Schedules Alumni Program

Special programs at South High School Friday will welcome alumni members back to the campus.

An assembly and dance, sponsored by the Alumni Assn., will highlight Alumni Day activities.

An assembly is scheduled at 9:45 a.m. During the day former students will reminisce with teachers. A football game with West High School is scheduled at 2:30 p.m.

The game will be played on the West High field—not on the Granite High field as previously announced and advertised.

A dance is scheduled in the school gym at 9 p.m.

Navajo Tells Of Hardships In Horse Case

Lucy Harvey, Navajo Indian from San Juan County, Monday told a federal court of the hardships endured by her family since 1952 when Bureau of Land Management agents confiscated her horses.

Mrs. Harvey was among first witnesses to testify in U.S. District Court of Utah in a hearing to determine the exact amount of damages suffered by each of 30 Indians of the Montezuma Creek area in the government action.

The hearing began Monday. Judge Willis W. Ritter is presiding.

In November of 1953, Judge Ritter awarded the Indians $100,000 for the government's destruction of 115 horses and 35 burros. The government asserted the animals were destroyed after they had been abandoned on grazing land leased to white men in southeast Utah.

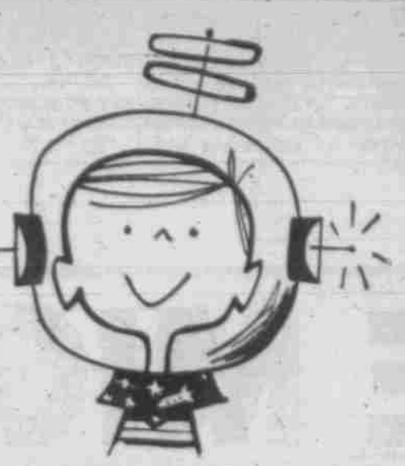
Judge Ritter's decision later was reversed by the Tenth Circuit Court of Appeals at Denver, Colo.

But the United States Supreme Court, in an opinion May 7, 1956, affirmed the amount of damages after having found cause for action. The case was returned to district court to determine the amount of damages suffered by each Indian.

The high court also vacated an injunction issued by Judge Ritter against the BLM.

Mrs. Harvey testified that taking the horses away has affected her "entire life."

"Horses to an Indian are life," she added.



Keep it under your space helmet!

OLDS FOR '57
has a New
SPAN-A-RAMIC WINDSHIELD!

Best in view . . . inside and out! Oldsmobile's wider, higher windshield means greater round-the-corner and overhead vision! Come in Friday, Nov. 9! See all the smart styling accents on the '57 Olds!

SEE IT FRIDAY, NOV. 9, AT OUR SHOWROOM!
Ken Garff Co., 501 So. State St., Salt Lake City, Utah
DA 8-8541

Modern Beauty

in durable oak floors

Hardwood floors have "gone modern." They have taken on new style and distinction, while retaining all the familiar charm and durability of hardwood. A Bruce block, plank or strip floor will be an admired addition to your home.

BLOCKS 9x9x½" Unfinished sq. ft. 56½¢
RANCH PLANK 25/32" sq. ft. 48½¢
FIRESIDE PLANK sq. ft. 42¾¢
BUDGET TERMS

BURTON LUMBER AND HARDWARE CO
2220 SOUTH STATE ST. • PHONE IN 6-8623

"Take it from me..."
Dave Garroway explains
on NBC's TV show 'TODAY,' why . . .

This is news for Today's families

"Take it from us..."
say Mr. and Mrs. Smith

"Our North America Homeowners Policy is the best we've seen!"
(TENANTS POLICY if you rent)

"Take it from me..."
your independent local agent

"North America's Homeowners is one package—one premium!"
(TENANTS POLICY, if you rent)

OLD WAY NEW WAY

North America pioneered this simplified modern protection. Whether you own or rent, it's *more* coverage at *less* cost than buying policies separately. A strong stock company, finest in protection since 1792. Get credit for present policies, too. Call your North America agent or broker.

ONE NORTH AMERICA POLICY COVERS:
Fire • Theft • Liability • Lightning
Glass • Wind • Explosion • Hail
Riot • Vehicle/Aircraft Damage
Vandalism • Smoke

Protect what you have ®

NORTH AMERICA COMPANIES
Philadelphia
Insurance Company of North America
Indemnity Insurance Company of North America
Philadelphia Fire and Marine Insurance Company

"TAKE IT FROM US..."

SUN Insurance Service INC.
1055 E. 21st South Ph. HU 4-8574

FRED A. MORETON & CO.
Phone EM 4-4257
Continental Bank Building, 7th Floor

DIN MORRIS & CO.
312 Beason Building
Salt Lake City, Utah Phone EL 9-3889

DUMKE Insurance Agency
Max Miller and Zeke Dumke
72 East 7th South Phone EM 4-1889

Owen Bunker & Sons, Inc.
26 W. Broadway, Suite 9 Ph. DA 2-0477

TRACY Insurance Agency
Fire—Casualty—Inland Marine—Bonds
Insurance Counselors
151 S. Main, S.L.C. Ph. DA 5-8161

J. J. WEINSTOCK Agency
Felt Building Ph. EL 5-6259

W. A. HYMAS CO.

Announcing

The One and Only thing NEW in TV!
A fabulous new invention of the television age from the research laboratories of Zenith — specialists in radionics for 37 years.

SPACE COMMAND tuning

OPERATES YOUR ZENITH TV FROM ACROSS THE ROOM
NO WIRES! NO CORDS! NO FLASHLIGHTS! NO RADIO WAVES!

Enjoy the extra pleasure of Space-Command Tuning ONLY on NEW 1957

You See Nothing! You Hear Nothing!
ZENITH®
QUALITY TV

. . . from across the room you hold this COMMAND control box in your hand and PUSH A BUTTON . . .

. . . TURNS SET ON
. . . TURNS SET OFF
. . . CHANGES CHANNELS
. . . MUTES SOUND OF LONG ANNOYING COMMERCIALS WHILE PICTURE REMAINS ON THE SCREEN

Just push a button

on COMMAND control box! You don't touch the receiver . . . no wires . . . no cords . . . no flashlights!

No WIRES! No FLASHLIGHTS! No CORDS!

The BROOKWOOD (Model Z3008)
Super Royal Series—Superb furniture styling with 262 sq. inches rectangular picture area; Cinebeam; Cinelens; Top Tuning; Spotlite Dial. In mahogany color or blond oak color.

ZENITH Space-Command TV now Priced from $279.95

The ASHFORD (Model Z3000)
Super Royal Series—Advance Table TV styling with 262 sq. inches of rectangular picture area; "200" Space-Command changes channels, turns off sound; Cinebeam; Cinelens. In maroon or blond oak color.

COSTS NO MORE than ordinary TV
Space-Command is not an ordinary accessory... it's built right into your Zenith—not an extra! See it today!

YOUR HEADQUARTERS FOR S&H GREEN STAMPS

BUY WHERE YOU GET S&H GREEN STAMPS

W. A. HYMAS CO.
1358 INDIANA AVE.-PH. DA 2-3961

USED TV $29.50 and up